

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

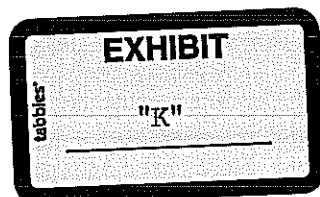
STATE OF OKLAHOMA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:05-CV-00329-TCK-SAJ
)	
TYSON FOODS, INC., et al.,)	
)	
Defendants.)	

SUPPLEMENTAL OBJECTIONS AND RESPONSES TO CARGILL TURKEY, LLC'S,
FIRST SET OF INTERROGATORIES

COMES NOW, the Plaintiff, the State of Oklahoma, ex rel. W.A. Drew Edmondson, in his capacity as Attorney General of the State of Oklahoma, and Oklahoma Secretary of the Environment, C. Miles Tolbert, in his capacity as the Trustee for Natural Resources for the State of Oklahoma under CERCLA, (hereinafter "the State") and hereby supplements its response to Separate Defendant Cargill, Inc.'s First Set of Interrogatories pursuant to the Court's May 17, 2007 Order (Dkt # 1150)

GENERAL OBJECTIONS

The State fully incorporates its previous general objections to these Interrogatories as if fully stated herein



INTERROGATORY NO. 1: Please identify each tract of real property situated within the Illinois River Watershed currently owned, managed or controlled by the State, formerly owned, managed or controlled by the State, or real property in which the State owns, managed or controls any legal or equitable interest (including but not limited to, ownership in fee, surface ownership, mineral ownership, lease or license). For each tract of real property identified, please provide the full legal description, address, the specific time periods that the State held the stated interest, and the nature of the interest held by the State.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO.1

Please see Exhibit 1 which contains a description of State owned property in Cherokee and Delaware counties. The State is continuing to gather information responsive to this request and will supplement as additional information is identified. A general description of State owned property includes:

Oklahoma Department Of Wildlife Conservation

1. Cookson WMA
2. Ozark Plateau
3. Sparrowhawk
4. Cherokee WMA
5. Tenkiller WMA
6. Access areas previously given to the defendants on August 8, 2006, Bates Nos. OSRC0026465-OSRC0026504.

Oklahoma Scenic Rivers Commission

1. Scenic Rivers Commission Building
2. All previous deeds given to the defendants on August 8, 2006, Bates Nos. OSRC0026465-OSRC0026504

Northeastern State University

1. All associated buildings and lands owned by the University.

Oklahoma Department of Transportation

1. Right of Ways on Highways, See Exhibit(s) 1

Tourism

1. Tenkiller State Park
2. Natural Falls State Park
3. Cherokee Landing State Park

Oklahoma Turnpike Authority

1. See Attached.

INTERROGATORY NO. 2: For each specific tract of real property identified in response to the foregoing Interrogatory, please identify the specific uses for and activities that have been conducted on each tract or real property during the period You owned, managed or controlled the interest.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO.2:

The State hereby incorporates its objections and responses to this Interrogatory as if fully stated herein. The State hereby withdraws its Rule 33(d) designation for this request. Activities and uses at wildlife management areas identified in response to Interrogatory No. 1 include, but are not limited to, wildlife management, hunting, hiking, and birdwatching. Activities at the Oklahoma Scenic Rivers Commission include, but are not limited to, the administrative functions of the agencies, access areas to the river and any other public use. Activities and uses at Northeastern University include, but are not limited to, normal college functions (providing a college education, various sports) and other public activities. Activities

and uses of the Oklahoma Turnpike Authority include, but are not limited to, maintaining turnpikes, easements, and right of ways. The activities and uses at State parks identified in Interrogatory No.1 include, but are not limited to, swimming, picnicing, boating, fishing, hiking, bird watching, camping, and maintaining of these parks for the public enjoyment.

The State reserves the right to supplement this interrogatory.

INTERROGATORY NO. 3: Please state the date (or year, if an exact date is not known)

when You first became aware that poultry industry operations might be a potential source of:

- a. phosphorous / phosphorus compounds;
- b. nitrogen / nitrogen compounds;
- c. arsenic / arsenic compounds;
- d. zinc / zinc compounds;
- e. copper / copper compounds;
- f. hormones; and/or
- g. microbial pathogens

in the Illinois River Watershed and discuss with particularity the facts, witnesses and/or documents leading to Your awareness.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO.3:

The State hereby incorporates its previous response and objections to this Interrogatory as if fully stated herein. In lieu of its previous Fed.R.Civ.P.33(d) designation for this Interrogatory, the State has identified certain representative documents as set forth below:

Watershed Restoration Action Strategy (WRAS) for the Illinois River/Barron Fork Watersheds, July 1, 1999,
https://www.deq.state.ok.us/WQDnew/pubs/illinois_river_wras_final.pdf ("[i]t has been suspected since the early 1980's that the Illinois River and Lake Tenkiller in northeastern

Oklahoma were experiencing water quality degradation, primarily perceived as reduced clarity. Numerous studies verified that the lake and river were experiencing accelerating eutrophication from excessive nutrient loading caused by land use changes in the watershed.”)

The State will supplement its response to this Interrogatory as responsive information is identified.

INTERROGATORY NO. 5: Please describe all steps (including, but not limited to establishing water quality standards, negotiations and discussions with potential contributors, legal actions, threatened legal actions, administrative proceedings, threatened administrative proceedings, regulations or agency rule-making) You or the agencies of the State of Oklahoma have taken to address and/or “deal with” other sources of the Pollutants or Contaminants alleged in Your Complaint. See Transcript from March 23, 2006 hearing Pp. 8-10, and in particular P. 9 “That is not to say that there aren’t other sources of problems but the other sources of problems have been addressed and have been dealt with by agencies of government in the State of Oklahoma.”

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5

The State hereby incorporates its previous response and objections to this Interrogatory as if fully stated herein. The State objects to this Interrogatory to the extent that it seeks attorney-client or work product protected material.

Subject to and without waiver of these objections, the State has implemented various statutory and regulatory programs intended to address impacts on all waters in the Illinois River Watershed. In fact, virtually all of the activities in the Illinois River Watershed by the Oklahoma Scenic Rivers Commission and the Oklahoma Department of Environmental Quality, and to a lesser extent the Oklahoma Conservation Commission, the Oklahoma Department of

Agriculture, and the Oklahoma Water Resources Board, are directed at managing the impact of human activities on water quality. Examples include, but are not limited to, the following:

The State has entered into a Joint Statement of Principles and Actions with the State of Arkansas in order to reduce contributions from point sources, including poultry processing plants; regulates, in accordance with the Clean Water Act, discharges from Waste Water Treatment Plants in the Illinois River Watershed in Oklahoma (27A O.S. § 2-6-201 et. seq.); regulates the land application of biosolids in Oklahoma (OAC 252:606-9-1 et. seq.); regulates Animal Feeding Operations in Oklahoma (2 O.S. § 20 et. seq.); regulates pesticide applicators in Oklahoma (2 O.S. § 3-82); regulates Solid Waste disposal in Oklahoma (OAC 252:515 et. seq.); Regulates commercial fertilizer labeling requirements (2 O.S. § 8-21 et.seq.); established regulations for activities in Scenic Rivers (82 O.S. § 1461 et.seq); promulgates water quality standards for Scenic Rivers (O.A.C. 785:45 et. seq.); regulates surface mining in the Illinois River Watershed (O.A.C. 460:10 et. seq.); conducts sampling of water and soil in Illinois River Watershed; conducts assessments and modeling of the condition and quality of the Illinois River Watershed, and conducts various demonstration projects for the application of best management practices in the Illinois River Watershed.

The State's efforts have substantially been directed toward manmade impacts to the water quality of the Illinois River Watershed. To the extent that there are natural impacts, those are generally taken as background against which to measure the effect of human activities. The identity, effect and location of manmade factors, other than Defendants', that may have an adverse impact on water quality in the Illinois River Watershed to the extent discussed in publicly available reports are identified in the representative documents below.

In lieu of its previous Fed.R.Civ.P.33(d) designation for this interrogatory, the State has identified certain representative documents as set forth below.

1. Basin Wide Pollutant Inventory for the Illinois River Comprehensive Basin Management Program located at: (http://www.okcc.state.ok.us/WQ/WQ_reports/REPORT043.pdf).
2. Illinois River Watershed Implementation Program, FY 1996 319(h), Task 240, Best Management Practices Implemented on Peacheater Creek (OCC)
3. Joint Statement of Principles and Actions which were produced at multiple agencies.
4. Water Quality Monitoring Reports, Illinois River Basin, Arkansas-Oklahoma Compact Commission, (CY 2002-2006) which were produced at multiple agencies.
5. Biosolids Management in Oklahoma, Department of Environmental Quality Fact Sheet
6. Coordinated Watershed and Restoration Protection Strategy for Oklahoma's Impaired Scenic Rivers (Per SB 972) 2002, 2004-2006 Update located at <http://www.environment.ok.gov/>.
7. An Investigation of the Sources and Transport of Nonpoint Source Nutrients in the Illinois River Basin in Oklahoma and Arkansas (Gade 1998) located at <http://storm.okstate.edu/>.
8. Watershed Restoration Action Strategy for the Illinois River (OCC 1999) located at https://www.deq.state.ok.us/WQDnew/pubs/illinois_river_wras_final.pdf.
9. Water Quality Modeling Analysis in Support of TMDL Development for Tenkiller Ferry Lake and the Illinois River Watershed in Oklahoma, (Draft March 2001).

The State will supplement its response to this Interrogatory as responsive information is identified.

INTERROGATORY NO. 6: For each step identified in response to Interrogatory No. 5, please state the reduction in each Pollutant or Contaminant that resulted.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO.6:

The State hereby incorporates its previous response and objections to this Interrogatory as if fully stated herein. Further, the State incorporates its response to Interrogatory No.5 as if fully stated herein. The State hereby withdraws its previous Rule 33(d) designation for this Interrogatory. The State will supplement its response to this Interrogatory as additional responsive information is identified.

INTERROGATORY NO. 7: Please describe the trophic state of each lake or reservoir within the Illinois River Watershed for each season of the year since 1952, and in doing so, state all evidence and identify all documents that relate to any such trophic state, and the cause(s) for any observed eutrophication.

SUPPLEMENT RESPONSE TO INTERROGATORY NO. 7

The State hereby incorporates its previous objections and response to this Interrogatory as if fully stated herein. In lieu of its previous Rule 33(d) designation that State has identified the following representative responsive documents:

Coordinated Watershed and Restoration Protection Strategy for Oklahoma's Impaired Scenic Rivers (Per SB 972) 2002, 2004-2006 Update located at <http://www.environment.ok.gov/>.

Oklahoma's Beneficial Use Monitoring Program – Final Report 1998
OSRC Log 2-15

Oklahoma's Beneficial Use Monitoring Program – 1999 Final Report
OSRC Log 2-16

Oklahoma's Beneficial Use Monitoring Program raw data given at the OWRB document production and located in the sliding filing cabinets.

Oklahoma Department of Environmental Quality (1998 -2004), Water Quality Assessment Integrated Reports. <http://www.deq.state.ok.us>

USGS Surface Water Data for the Illinois River Basin, Water Quantity and Quality parameters located at:
http://ar.water.usgs.gov/sun/data-bin/get_data?control=multiple&group_nm=illinois

OWRB Water Quality Data Viewer, all stations in the Illinois River Watershed, including Lake Tenkiller, located at:
<http://www.owrb.ok.gov/maps/server/wims.php>

Oklahoma Water Resources Board, U.S. Army Corps of Engineers and Oklahoma State University. 1996. Diagnostic and Feasibility Study on Tenkiller Lake, Oklahoma. Sponsored by USEPA. Available at <http://www.owrb.ok.gov/studies/reports/reports.php>.

Phosphorus Concentrations, Loads and Yields in the Illinois River Basin, Arkansas and Oklahoma, 1997-2001, p. 1, (<http://pubs.usgs.gov/wri/wri034168/>).

Phosphorus Concentrations, Loads and Yields in the Illinois River Basin, Arkansas and Oklahoma, 2000-2004, (<http://pubs.usgs.gov/sir/2006/5175/>).

USGS Prepared in Cooperation with the Arkansas Soil and Water Conservation Commission – Phosphorus and Nitrogen Concentrations and Loads at Illinois River South of Siloam Springs, Arkansas, 1997 – 1999. OSRC 2-10

USGS National Water-Quality Assessment Program – Water-Quality Assessment of the Ozark Plateaus Study Unit, Arkansas, Kansas, Missouri, and Oklahoma – Nutrients, Bacteria, Organic Carbon, and Suspended Sediment in Surface Water, 1993-95 OSRC 2-11.

The State will supplement this Interrogatory as responsive information is identified, except the State will disclose information known or opinions held by expert consultants retained or employed in anticipation of litigation or preparation for trial upon which it intends to rely pursuant to the Court's Scheduling Order (Dkt. #1075). The State and its experts are still collecting data and performing analysis on the data which will be used in their opinions and reports and the State reserves the rights to supplement its response.

INTERROGATORY NO. 8: Please identify all "federal approved water quality standards" for public and private water supplies that you state the three scenic rivers in the Illinois River Watershed have failed to meet. See Transcript of March 23, 2006 Hearing, P.9.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO.8

The State hereby incorporates its previous response and objections to this Interrogatory as if fully stated herein. In lieu of its previous Rule 33(d) designation, the following representative documents are responsive to this Interrogatory:

Coordinated Watershed and Restoration Protection Strategy for Oklahoma's Impaired Scenic Rivers (Per SB 972) 2002, 2004-2006 Update located at <http://www.environment.ok.gov/>.

Oklahoma's Beneficial Use Monitoring Program – Final Report 1998
OSRC Log 2-15

Oklahoma's Beneficial Use Monitoring Program – 1999 Final Report
OSRC Log 2-16

Oklahoma's Beneficial Use Monitoring Program raw data given at the OWRB document production and located in the sliding filing cabinets.

Oklahoma Department of Environmental Quality (1998 -2004), Water Quality Assessment Integrated Reports. <http://www.deq.state.ok.us>

USGS Surface Water Data for the Illinois River Basin, Water Quantity and Quality parameters located at:
http://ar.water.usgs.gov/sun/data-bin/get_data?control=multiple&group_nm=illinois

OWRB Water Quality Data Viewer, all stations in the Illinois River Watershed, including Lake Tenkiller, located at:
<http://www.owrb.ok.gov/maps/server/wims.php>

Phosphorus Concentrations, Loads and Yields in the Illinois River Basin, Arkansas and Oklahoma, 1997-2001, p. 1, (<http://pubs.usgs.gov/wri/wri034168/>).

Phosphorus Concentrations, Loads and Yields in the Illinois River Basin, Arkansas and Oklahoma, 2000-2004, (<http://pubs.usgs.gov/sir/2006/5175/>).

USGS Prepared in Cooperation with the Arkansas Soil and Water

Conservation Commission – Phosphorus and Nitrogen Concentrations and Loads at Illinois River South of Siloam Springs, Arkansas, 1997 – 1999. OSRC 2-10

USGS National Water-Quality Assessment Program – Water-Quality Assessment of the Ozark Plateaus Study Unit, Arkansas, Kansas, Missouri, and Oklahoma – Nutrients, Bacteria, Organic Carbon, and Suspended Sediment in Surface Water, 1993-95 OSRC 2-11.

Public Water Supply reports located on the SDWIS (Public Water Supply Reports) database are too numerous to list herein, however, the State refers you to the indexes given to you at the Oklahoma Department of Environmental Quality which list all the public water supplies in the Illinois River watershed. Furthermore, if you simply choose one of the four counties in the watershed on the SDWIS search page you can pull up all the public water supplies and see all their reporting and violation data.

The State will supplement this Interrogatory as additional responsive information is identified, except the State will disclose information known or opinions held by expert consultants retained or employed in anticipation of litigation or preparation for trial upon which it intends to rely pursuant to the Court's Scheduling Order (Dkt. #1075). The State and its experts are still collecting data and performing analysis on the data which will be used in their opinions and reports and the State reserves the rights to supplement its response.

INTERROGATORY NO. 13: Separately for each Cargill entity at issue, state with particularity the factual and legal basis for the allegation contained in ¶ 142 of Your Amended Complaint that any Cargill entity has “avoided the costs of properly managing and disposing of their poultry waste – not only to their enormous economic benefit and advantage, but also at great cost to the lands and waters compromising the IRW and at the expense of, and in violation of, the State of Oklahoma's rights” and identify every witness upon whom You will rely to establish each fact.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO.13:

The State hereby incorporates its previous response and objections to this Interrogatory as if fully stated herein. The State hereby withdraws its previous Rule 33(d) designation for this

Interrogatory. The State will supplement this Interrogatory as responsive information is identified, except the State will disclose information known or opinions held by expert consultants retained or employed in anticipation of litigation or preparation for trial upon which it intends to rely pursuant to the Court's Scheduling Order (Dkt. #1075). The State and its experts are still collecting data and performing analysis on the data which will be used in their opinions and reports and the State reserves the rights to supplement its response.

INTERROGATORY NO. 15: Separately for each Cargill entity at issue, state completely and in detail the facts upon which you base the allegation in Your Amended Complaint ¶ 51 that any Cargill entity "has long known that the application of its poultry waste to lands within the IRW, in the amounts that it is applied and with the frequency that it is applied, far exceeds the capacity of the soils and vegetation to absorb those nutrients present in the poultry waste" and identify every witness upon whom You will rely to establish each fact.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO.15:

The State hereby incorporates its previous response and objections to this Interrogatory as if fully stated herein. The State hereby withdraws its previous Rule 33(d) designation for this Interrogatory. The State will supplement this Interrogatory as responsive information is identified, except the State will disclose information known or opinions held by expert consultants retained or employed in anticipation of litigation or preparation for trial upon which it intends to rely pursuant to the Court's Scheduling Order (Dkt. #1075). The State and its experts are still collecting data and performing analysis on the data which will be used in their opinions and reports and the State reserves the rights to supplement its response.

INTERROGATORY NO. 16: Separately for each Cargill entity at issue, state completely and in detail the facts upon which you base the allegation in Your Amended Complaint at ¶ 54

that any Cargill entity "arranged for its respective growers to take possession of the poultry waste coming from its birds...with full knowledge that the growers were annually placing hundreds of thousands of tons of their poultry waste directly on the ground and that these actions would lead to the run off and release of phosphorus and other hazardous substances, pollutants and contaminants into the lands and waters of the IRW" and identify every witness upon whom You will rely to establish each fact.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO.16:

The State hereby incorporates its previous response and objections to this Interrogatory as if fully stated herein. The State will supplement this Interrogatory as responsive information is identified. In lieu of its previous Fed.R.Civ.P.33(d) designation for this Interrogatory, the State has identified certain representative documents as set forth below:

Al-Qinna, M. I. (2003), Measuring and Modeling Soil Water and Solute Transport with Emphasis on Physical Mechanisms in Karst Topography. Ph.D., United States -- Arkansas University of Arkansas 272 p. (see pages 1, 5-8, 39-42, 61-63, 107, 198-200).

Arai, Y., Lanzirrotti, A., Sutton, S., Davis, J. A., and Sparks, D. L. (2003), Arsenic Speciation and Reactivity in Poultry Litter. *Environmental Science and Technology* 37(18): 4083-90. (see pages 4083, 4089).

Avery, L. M., Killham, K., and Jones, D. L. (2005), Survival of E. Coli O157:H7 in Organic Wastes Destined for Land Application. *Journal of Applied Microbiology* 98(4): 814-22. (see pages 814-815, 820-821).

Bellows, B. C. (2005), Arsenic in Poultry Litter: Organic Regulations. A Publication of ATTRA, the National Sustainable Agriculture Information Service 12 p. (see pages 1-8).

Bitton, G. and Gerba, C. P. (1994), *Groundwater Pollution Microbiology*. Krieger Pub. Co. 377 p. (see pages vii, 50-51, 199-203).

Coyne, M. S. and Blevins, R. L. (1995), Fecal Bacteria in Surface Runoff from Poultry-Manured Fields. *Animal Waste and the Land-Water Interface*. Boca Raton, Lewis Publishers: 77-87. (see pages 77, 80, 82, 85-86).

Crane, S R, Westerman, P W, and Overcash, M R. (1980) Dieoff of Fecal Indicator Organisms Following Land Application of Poultry Manure. *Journal of Environmental Quality* 9: 531-537. (see pages 531, 537).

Davis, J. V. and Bell, R.W. (1998), Water-Quality Assessment of the Ozark Plateaus Study Unit, Arkansas, Kansas, Missouri, and Oklahoma; Nutrients, Bacteria, Organic Carbon, and Suspended Sediment in Surface Water, 1993-95. United States Geological Survey 98-4164. 63 p. (see pages 1, 5, 7, 10, 19, 37-38).

Davis, R. K., Brahana, J. V., and Johnston, J. S. (2000), Ground Water in Northwest Arkansas: Minimizing Nutrient Contamination from Non-Point Sources in Karst Terrain. Arkansas Water Resources Center MSC- 288. 69 p. (see pages 1-3, 8, 19-21, 43-44).

Davis, R. K., Hamilton, S., and Van Brahana, J. (2005), Escherichia Coli Survival in Mantled Karst Springs and Streams, Northwest Arkansas Ozarks, U.S.A. *Journal of the American Water Resources Association* 41(6): 1279-1287 (see pages 1279-1280, 1284-1286).

Edwards, D. R. and Daniel, T. C. (1994), A Comparison of Runoff Quality Effects of Organic and Inorganic Fertilizers Applied to Fescuegrass Plots. *Water resources bulletin* 30(1): 35-41. (see pages 35, 40).

Finlay-Moore, O., Hartel, P. G., and Cabrera, M.L. (2000), 17 Beta-Estradiol and Testosterone in Soil and Runoff from Grasslands Amended with Broiler Litter. *Journal of environmental quality* 29(5): 1604-1611. (see pages 1604, 1608-1610).

Garbarino, J. R., Wershaw, R. L., Bednar, A. J., Rutherford, D.W., and Beyer, R. S. (2003), Environmental Fate of Roxarsone in Poultry Litter. I. Degradation of Roxarsone During Composting. *Environmental Science and Technology* 37(8): 1509-1514. (see pages 1515, 1520).

Loehr, R. C. (1978), Hazardous Solid Waste from Agriculture. *Environmental Health Perspectives* 27: 261-273. (see pages 261-262, 265, 267-269).

Mawdsley, J. L., Bardgett, R. D., Merry, R. J., Pain, B. F., and Theodorou, M. K. (1995), Pathogens in Livestock Waste, Their Potential for Movement through Soil and Environmental Pollution. *Applied Soil Ecology : a Section of Agriculture, Ecosystems & Environment* 2(1): 1-15. (see pages 1-12).

Peterson, E. W., Davis, R. K., and Orndorff, H.A. (2000), 17 Beta-Estradiol as an Indicator of Animal Waste Contamination in Mantled Karst Aquifers. *Journal of environmental quality* 29(3): 826-834. (see pages 826-827, 829-833).

Schumacher, J. G. (2003), Survival, Transport, and Sources of Fecal Bacteria in Streams and Survival in Land-Applied Poultry Litter in the Upper Shoal Creek Basin, Southwestern Missouri, 2001-2002. U.S. Geological Survey 03-4243. 45 p. (see pages 1-2, 5, 32-38).

Sobsey, M. D., Khatib, L.A., Hill, V. R., Atocilja, E., and Pillai, S. (2006), Pathogens in Animal Wastes and the Impacts of Waste Management Practices on Their Survival, Transport, and Fate. In *Animal Agriculture and the Environment: National Center for Manure and Animal Waste Management White Papers* (ed. J. M. Rice, D. F. Caldwell, and F. J. Humenik), American Society of Agricultural and Biological Engineers, 609-666 p. (see pages 609-651).

Stolz, J. F., Perera, E., Kilonzo, B., Kail, B., Crable, B., Fisher, E., Ranganathan, M., Wormer, L., and Basu, P. (2007), Biotransformation of 3-Nitro-4-Hydroxybenzene Arsonic Acid (Roxarsone) and Release of Inorganic Arsenic by Clostridium Species. *Environ. Sci. Technol.* 41(3): 818-823. (see pages 818, 820-822).

Wicks, C., Kelley, C., and Peterson, E. (2004), Estrogen in a Karstic Aquifer. *Ground Water* 42(3): 384-389. (see pages 384, 388).

Oklahoma Water Resources Board, U.S. Army Corps of Engineers and Oklahoma State University. 1996. Diagnostic and Feasibility Study on Tenkiller Lake, Oklahoma. Sponsored by USEPA. Available at <http://www.owrb.ok.gov/studies/reports/reports.php>.

Green, W. R., and B. E. Haggard. 2001. Phosphorus and nitrogen concentrations and loads at Illinois River south of Siloam Springs, Arkansas, 1997-1999. U.S. Geological Survey Water Resources Investigation Report 01-4217.

Report: OCC TASK #78 - FY 1996 319(h) TASK #210 - Output #3 ESTIMATING WATERSHED LEVEL NONPOINT SOURCE LOADING FOR THE STATE OF OKLAHOMA (OSU).

Report: USGS Prepared in Cooperation with the Arkansas Soil and Water Conservation Commission - Phosphorus and Nitrogen Concentrations and Loads at Illinois River South of Siloam Springs, Arkansas, 1997 - 1999 OSRC 2-10.

Report: USGS National Water-Quality Assessment Program - Water-Quality Assessment of the Ozark Plateaus Study Unit, Arkansas, Kansas, Missouri, and Oklahoma - Nutrients, Bacteria, Organic Carbon, and Suspended Sediment in Surface Water, 1993-95 OSRC 2-11.

Report: USGS Preliminary Analysis of Phosphorus Concentrations and Fecal-Indicator Bacteria Counts at Selected Sites in the Illinois River Basin in Oklahoma, 1997-2001 OSRC 2-13.

Report: Basin-Wide Pollution Inventory for the Illinois River Comprehensive Basin Management Program - Final Report- Daniel Storm 8/96 OSRC 3-1.

Report: Recent Total Phosphorus Loads in the Illinois River in Arkansas compared to loads in 1980-1993 - by Martin Maner P.E. ADEQ 2/8/2000 OSRC 7-2B.

Report: An Investigation of the Sources and Transport of Nonpoint Source Nutrients in the Illinois River Basin in Oklahoma and Arkansas (Gade 1998) <http://storm.okstate.edu/>.

Report: Comprehensive Basin Management Plan for the Illinois River Basin in Oklahoma, OCC, May, 1999 available at http://www.okcc.state.ok.us/WQ/WQ_reports/REPORT085.pdf.

Coordinated Watershed Restoration and Protection Strategy for Oklahoma's Impaired Scenic Rivers (SB 972 Report), issued in 2003, 2004, 2005, and 2006. Full text of reports are located at <http://www.osc.state.ok.us/documents.html#972->

Phosphorus Concentrations, Loads and Yields in the Illinois River Basin, Arkansas and Oklahoma, 1997-2001, p. 1, (<http://pubs.usgs.gov/wri/wri034168/>).

Phosphorus Concentrations, Loads and Yields in the Illinois River Basin, Arkansas and Oklahoma, 2000-2004, (<http://pubs.usgs.gov/sir/2006/5175/>).

Watershed Restoration Action Strategy (WRAS) for the Illinois River/Barron Fork Watersheds, July 1, 1999,
https://www.deq.state.ok.us/WQDnew/pubs/illinois_river_wras_final.pdf

The State will supplement this Interrogatory as responsive information is identified, except the State will disclose information known or opinions held by expert consultants retained or employed in anticipation of litigation or preparation for trial upon which it intends to rely pursuant to the Court's Scheduling Order (Dkt. #1075). The State and its experts are still collecting data and performing analysis on the data which will be used in their opinions and reports and the State reserves the rights to supplement its response.

Respectfully Submitted,

W.A. Drew Edmondson OBA # 2628
Attorney General
Kelly H. Burch OBA #17067
J. Trevor Hammons OBA #20234
Tina Lynn Izadi OBA #17978
Assistant Attorneys General
State of Oklahoma
313 N.E. 21st St.
Oklahoma City, OK 73105

(405) 521-3921

Robert A. Nance

M. David Riggs OBA #7583
Joseph P. Lennart OBA #5371
Richard T. Garren OBA #3253
Douglas A. Wilson OBA #13128
Sharon K. Weaver OBA #19010
Robert A. Nance OBA #6581
D. Sharon Gentry OBA #15641
Riggs, Abney, Neal, Turpen,
Orbison & Lewis
502 West Sixth Street
Tulsa, OK 74119
(918) 587-3161

James Randall Miller, OBA #6214
Louis Werner Bullock, OBA #1305
Miller Keffer & Bullock
222 S. Kenosha
Tulsa, Ok 74120-2421
(918) 743-4460

David P. Page, OBA #6852
Bell Legal Group
222 S. Kenosha
Tulsa, OK 74120
(918) 398-6800

Frederick C. Baker
(admitted *pro hac vice*)
Lee M. Heath
(admitted *pro hac vice*)
Elizabeth C. Ward
(admitted *pro hac vice*)
Elizabeth Claire Xidis
(admitted *pro hac vice*)
Motley Rice, LLC
28 Bridgeside Boulevard
Mount Pleasant, SC 29465
(843) 216-9280

William H. Narwold
(admitted *pro hac vice*)
Motley Rice, LLC
20 Church Street, 17th Floor

Hartford, CT 06103
(860) 882-1676

Attorneys for the State of Oklahoma

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of June, 2007, I electronically transmitted the attached document to the following:

Frederick C Baker fbaker@motleyrice.com, mcarr@motleyrice.com;
fhmorgan@motleyrice.com

Michael R. Bond michael.bond@kutakrock.com, amy.smith@kutakrock.com

Vicki Bronson vbronson@cwlaw.com, lphillips@cwlaw.com

Paula M Buchwald pbuchwald@ryanwhaley.com

Louis Werner Bullock LBULLOCK@MKBLAW.NET, NHODGE@MKBLAW.NET;
BDEJONG@MKBLAW.NET

W A Drew Edmondson fc_docket@oag.state.ok.us, drew_edmondson@oag.state.ok.us;
suzy_thrash@oag.state.ok.us.

Delmar R Ehrich dehrich@faegre.com, etriplett@faegre.com; ; qsperrazza@faegre.com

John R Elrod jelrod@cwlaw.com, vmorgan@cwlaw.com

Bruce Wayne Freeman bfreeman@cwlaw.com, lclark@cwlaw.com

D. Richard Funk rfunk@cwlaw.com

Richard T Garren rgarren@riggsabney.com, dellis@riggsabney.com

Dorothy Sharon Gentry sgentry@riggsabney.com, jzielinski@riggsabney.com

Robert W George robert.george@kutakrock.com, sue.arens@kutakrock.com;
amy.smith@kutakrock.com

James Martin Graves jgraves@bassettlawfirm.com

Tgrever@lathropgage.com

Jennifer Stockton Griffin jgriffin@lathropgage.com

John Trevor Hammons thammons@oag.state.ok.us, Trevor_Hammons@oag.state.ok.us; Jean!_Burnett@oag.state.ok.us

Lee M Heath ! lheath@motleyrice.com

Theresa Noble Hill thillcourts@rhodesokla.com, mnave@rhodesokla.com

Philip D Hixon phixon@mcdaniel-lawfirm.com

Mark D Hopson mhopson@sidley.com, joraker@sidley.com

Kelly S Hunter Burch fc.docket@oag.state.ok.us, kelly_burch@oag.state.ok.us; jean_burnett@oag.state.ok.us

Stephen L Jantzen sjantzen@ryanwhaley.com, mantene@ryanwhaley.com; loelke@ryanwhaley.com

Bruce Jones bjones@faegre.com, dybarra@faegre.com; jintermill@faegre.com; cdolan@faegre.com

Jay Thomas Jorgensen jjorgensen@sidley.com

Raymond Thomas Lay rtl@kiralaw.com, dianna@kiralaw.com

Nicole Marie Longwell Nlongwell@@mcdaniel-lawfirm.com

Archer Scott McDaniel smcdaniel@mcdaniel-lawfirm.com

James Randall Miller rmiller@mkblaw.net, smilata@mkblaw.net; clagrone@mkblaw.net

Charles Livingston Moulton Charles.Moulton@arkansasag.gov, Kendra.Jones@arkansasag.gov

Robert Allen Nance rmance@riggsabney.com, jzielinski@riggsabney.com

William H Narwold bnarwold@motleyrice.com

George W Owens gwo@owenslawfirmnpc.com, ka@owenslawfirmnpc.com

David Phillip Page dpage@edbelllaw.com, smilata@edbelllaw.com

Robert Paul Redemann rredemann@pmrlaw.net, scouch@pmrlaw.net

Melvin David Riggs driggs@riggsabney.com, pmurta@riggsabney.com

Randall Eugene Rose ! rer@owenslawfirmpc.com, ka@owenslawfirmpc.com

Robert E Sanders rsanders@youngwilliams.com,

David Charles Senger dsenger@pmrlaw.net, scouch@pmrlaw.net; ntorres@pmrlaw.net

Colin Hampton Tucker chtucker@rhodesokla.com, scottom@rhodesokla.com

John H Tucker jtuckercourts@rhodesokla.com, lwhite@rhodesokla.com

Elizabeth C Ward lward@motleyrice.com

Sharon K Weaver sweaver@riggsabney.com, lpearson@riggsabney.com

Timothy K Webster twebster@sidley.com, jwedeking@sidley.com

Gary V Weeks !

Terry Wayen West terry@thewestlawfirm.com,

Edwin Stephen Williams steve.williams@youngwilliams.com

Douglas Allen Wilson Doug_Wilson@riggsabney.com, pmurta@riggsabney.com

jwisley@cwlaw.com, jknight@cwlaw.com

Elizabeth Claire Xidis cxidis@motleyrice.com

Lawrence W Zeringue lzeringue@pmrlaw.net, scouch@pmrlaw.net

I hereby certify that on this 1st day of June, 2007, I served the foregoing document by U.S. Postal Service on the following:

Thomas C Green
Sidley Austin Brown & Wood LLP
1501 K ST NW
WASHINGTON, DC 20005

C Miles Tolbert
Secretary of the Environment
State of Oklahoma
3800 NORTH CLASSEN
OKLAHOMA CITY, OK 73118

Robert A. Nance
Robert A. Nance